1: Evans-Pritchard E-5 (1931, 1936) 1940
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000 Azande before embarking on a new task. I also knew that a study of the Nuer would be extremely difficult. Their country and character are alike intractable and what little I had previously seen of them convinced me that I would fail to establish friendly relations with them.

123 I have always considered, and still consider, that an adequate sociological study of the Nuer was impossible in the circumstances in which most of my work was done. The reader must judge what I have accomplished. I would ask him not to judge too harshly, for if my account is sometimes scanty and uneven I would urge that the investigation was carried out in adverse circumstances; that Nuer social organization is simple and their culture bare; and that what I describe is almost entirely based on direct observation and is not augmented by copious notes taken down from regular informants, of whom, indeed, I had none. I, unlike most readers, know the Nuer, and must judge my work more severely than they, and I can say that if this book reveals many insufficiencies I am amazed that it has ever appeared at all. A man must judge his labours by the obstacles he has overcome and the hardships he has endured, and by these standards I am not ashamed of the results.

It may interest readers if I give them a short description of the conditions in which I pursued my studies, for they will then be better able to decide which statements are likely to be based on sound observation and which to be less well-grounded.

122 I arrived in Nuerland early in 1930. Stormy weather prevented my luggage from joining me at Marseilles, and owing to errors, for which I was not responsible, my food stores were not forwarded from Malakal and my Zande servants were not instructed to meet me. I proceeded to Nuerland (Leek country) with my tent, some equipment, and a few stores bought at Malakal, and two servants, an Atwot and a Bellanda, picked up hastily at the same place.

When I landed at Yoahnyang[1] on the Bahr el Ghazal the Catholic missionaries there showed me much kindness. I waited

[1] I take this early opportunity to inform readers that I have not spelt Nuer names and other words with phonetic consistency. I raise no objection, therefore, to any one spelling them differently. Generally I have given the nominative form, but an occasional genitive has crept into the text, diagrams, and maps.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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122 months on the Sudan–Ethiopian frontier making a survey of the Eastern Anuak, and when, at last, I entered Ethiopia the imminence of Italian invasion compelled me to jettison my Galla studies and enabled me to advance my investigation of the Nuer, during a further seven weeks' residence in their country, by revising earlier notes and by collecting more material. I visited the Nuer who live on the Pibor river, renewed my acquaintance with friends of the Nasser Mission and at Yakwac, and spent about a month among the Eastern Jikany at the mouth of the Nyanding.

In 1936, after making a survey of the Nilotic Luo of Kenya, I spent a final seven weeks in Nuerland, visiting that part of it which lies to the west of the Nile, especially the Karlual section of the Leek tribe. My total residence among the Nuer was thus about a year. I do not consider a year adequate time in which to make a sociological study of a people, especially of a difficult people in adverse circumstances, but serious sickness on both the 1935 and 1936 expeditions closed investigations prematurely.

● 123 Besides physical discomfort at all times, suspicion and obstinate resistance encountered in the early stages of research, absence of interpreter, lack of adequate grammar and dictionary, and failure to procure the usual informants, there developed a further difficulty as the inquiry proceeded. As I became more friendly with the Nuer and more at home in their language they visited me from early morning till late at night, and hardly a moment of the day passed without men, women, or boys in my tent. As soon as I began to discuss a custom with one man another would interrupt the conversation in pursuance of some affair of his own or by an exchange of pleasantries and jokes. The men came at milking-time and some of them remained till midday. Then the girls, who had just finished dairy-work, arrived and insisted on attention. Married women were less frequent visitors, but boys were generally under the awning of my tent if grown-ups were not present to drive them away. These endless visits entailed constant badinage and interruption and, although they offered opportunity for improving my knowledge of the Nuer language, imposed a severe strain. Nevertheless, if one chooses to reside in a Nuer camp one must submit to Nuer custom, and they are persistent and tireless visitors. The chief

1; Evans-Pritchard E-5 (1931, 1936) 1940
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privation was the publicity to which all my actions were exposed, and it was long before I became hardened, though never entirely insensitive, to performing the most intimate operations before an audience or in full view of the camp. 123●

Since my tent was always in the midst of homesteads or windscreens and my inquiries had to be conducted in public, I was seldom able to hold confidential conversations and never succeeded in training informants capable of dictating texts and giving detailed descriptions and commentaries. This failure was compensated for by the intimacy I was compelled to establish with the Nuer. As I could not use the easier and shorter method of working through regular informants I had to fall back on direct observation of, and participation in, the everyday life of the people. From the door of my tent I could see what was happening in camp or village and every moment was spent in Nuer company. Information was thus gathered in particles, each Nuer I met being used as a source of knowledge, and not, as it were, in chunks supplied by selected and trained informants. Because I had to live in such close contact with the Nuer I knew them more intimately than the Azande, about whom I am able to write a much more detailed account. Azande would not allow me to live as one of themselves; Nuer would not allow *me to live otherwise. Among Azande I was* compelled to live outside the community; among Nuer I was compelled to be a member of it. Azande treated me as a superior; Nuer as an equal.

I do not make far-reaching claims. I believe that I have understood the chief values of the Nuer and am able to present a true outline of their social structure, but I regard, and have designed, this volume as a contribution to the ethnology of a particular area rather than as a detailed sociological study, and I shall be content if it is accepted as such. There is much that I did not see or inquire into and therefore plenty of opportunity for others to make investigations in the same field and among neighbouring peoples. I hope they will do so and that one day we may have a fairly complete record of Nilotic social systems.

8:Howell E, G-5 (1942-1944)1954
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CHAPTER I

INTRODUCTION

1. INTRODUCTORY

Sources, Methods, and Objectives

The Nuer are a Nilotic people who live in the savannah and swamps of the Upper Nile Province in the Anglo-Egyptian Sudan. My acquaintance with them began in 1942 when I was appointed Assistant District Commissioner of the then Zeraf District which included three of their tribes. In 1943 a special body known as the Nuer District Commissioners' Meeting, and now called the 'Nuer Chiefs' Council', was set up by the Governor of the Province. The object was to enable administrators and chiefs, chosen from all Nuer Districts to represent their people, to discuss common interests, and ensure some consistency in administrative policy. One of the main subjects for discussion was the growing body of 'customary law' administered in Nuer tribunals established by the Government, and the obvious need for standardization of the general principles, although it was agreed that any form of rigid codification should be avoided. One of the first resolutions passed at this first meeting was that an investigation should be made of the principles of Nuer customary law and a record kept. This Manual of Nuer Law springs from that resolution. I was able to study and record the cases which appeared before the courts throughout my service in the Zeraf District, and later, when the Lou Nuer tribe was incorporated to form what is now called Central Nuer District, to extend my enquiries further afield. Subsequently I had occasional opportunities of visiting other Nuer Districts and, although I was not then dealing with administrative affairs, I was able to check some of the information previously recorded. This Manual is, however, largely based on information from the Lak, Thiang, Gawaar and Lou tribes, and it must be appreciated that I have not been able to cover all the detailed variations of customary law which are to be found in so large an area. It would be a mistake to believe that every Nuer court would give judgement always and exactly according to the law I have described, even though there is great consistency in general principles—a consistency which is fortified by decisions made subsequently at meetings of the Nuer Council.

By 'customary law' I mean the body of 'native law and custom' which is administered in Nuer courts under the Chiefs' Courts

[p. 1]

8:Howell E, G-5 (1942-1944)1954
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671 Ordinance of 1931.[1] Such terms appear frequently in the official records of Colonial Governments and in the Anglo-Egyptian Sudan, but they are something of an anomaly if any strict definition of the word 'law' is applied. I shall turn to this question of definition and the nature of Nuer law later. Here such terms are sufficient to indicate generally those customary rules governing human relationships which, among the Nuer, were in the past subject to sanctions too indeterminate to be called legal, but which are now applied with a consistency and organized force sufficient to justify the use of the word 'law' in a more exact sense.

692 177 Nuer courts are an innovation. Though there may have been irregular meetings of elders and ritual functionaries to decide matters of local concern, there was no organized political body which could enforce its decisions, even though other sanctions were sometimes strong enough to ensure conformity. Since public security was the primary aim of Government in the early years of the administration of Nuerland and breaches of security usually arose from disputes over matters which to us may appear comparatively trivial, the establishment of such tribunals was the first and perhaps most important move in the development of the Nuer towards management of their own affairs. It was certainly one which brought about the most profound changes, as will be seen later. In those early years most of the decisions were made by the District Commissioner himself, often with curious subsequent results, even though consultation with Nuer representatives was always an important feature of the procedure.

Now that these courts are rapidly developing in most Nuer areas and there are already the beginnings of a proper separation of the judiciary from the executive, the District Commissioner is called upon less frequently for personal arbitration in matters which should be settled with full reference to traditional rules and established precedents. From the time when I first visited Nuerland it was the agreed policy of the Government to interfere less and less in such matters, for not only was it the ultimate object of such courts to provide an indigenous mechanism whereby civil disputes might be settled amicably, but it was realized that the alien administrator can never achieve sufficient knowledge of the complexities of Nuer law to settle such disputes himself. Even if he succeeds in abandoning the conventions which spring from his own environment, he cannot see such cases from the same viewpoint as the Nuer. His only advantage is impartiality which alone is insufficient to justify interference. Criminal law is a different matter, for the concept of punishment was previously unknown to the Nuer, but even in this they must be made to settle

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[1] '7 (1). A Chief's Court shall administer—

(a) the native law and custom prevailing in the area over which the Court exercises its jurisdiction provided that such native law and custom is not contrary to justice, morality or order.' Extract from Chiefs' Courts Ordinance, 1931.

8:Howell E, G-5 (1942-1944)1954
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their own affairs and the success with which their courts now deal with matters of criminal responsibility is a tribute to their growing appreciation of the need for internal security. I mention this with some feeling because in those early days it was a real struggle to resist the endless demands of individual Nuer for assistance over civil claims, a most trying experience which every District Commissioner who has served in the area knows. Nevertheless, at the present stage of development and perhaps for some years to come, the appeal from these courts is to the District Commissioner and the Governor of the Province. This being so, a knowledge of the basic principles of Nuer law is essential. It is necessary not only in connexion with specific cases, but also for the direction of policy in the development of the courts themselves. This need will continue even in the changing circumstances of the Sudan as a country whatever the nature of its constitution, and this book is written to meet it, as well as to record the evolution of a system of law.

It is sometimes argued that a government official, especially one with the executive powers of a District Commissioner in an undeveloped area, is an unsuitable person to carry out an investigation of this sort. His position may discourage sincere and truthful answers to his questions. I am aware of this argument and am prepared to accept the criticisms which may follow. Anyone who knows the close and positively wearing relationship of intimacy which exists between Nuer and their District Commissioners will, however, realize that the latter have many advantages. Having heard the details of a Nuer dispute over rights in cattle, and the same sort of dispute over and over again, he can get a pretty shrewd appreciation of the merits of the case and of the principles of law involved. Moreover, though the Nuer have a proper respect for the authority of their District Commissioner, no one could argue that this in any way curbs their blunt methods of expressing approval of his decisions, or more often disapproval. The relationship between the District Commissioner and the Nuer is peculiar and perhaps unique. He becomes a tribal institution adapted by the Nuer themselves to meet their own needs in rapidly changing conditions. He is addressed by his 'bull-name', granted as an intimate by men and women of all ages, praised, but often severely criticized, by the chiefs. A Nuer 'bull-name' is a passport to the most intimate circles in any Nuer cattle camp or village. I often felt that it was I who had to struggle to maintain at least a vestige of the culture from which I had come.

In cases where my opinion was sought it is true that both sides would try to mislead me both on the principles of law and on the facts. I was fully aware of this. This approach did not apply to me alone; in nearly all legal disputes it takes a most exhausting process of interrogation amid a battery of lies before the truth is reached, for